IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.26427 of 1998

Dated: March 30, 2007

Between:

M/s. Bhanu Engineering Corporation, having its registered office at 253/3RT, Sanjeeva Reddy Nagar, Hyderabad, rep. by its Managing Partner, Shri B. Venkateswara Rao, S/o. late B. Venkatakrishnaiah, aged 60 years.

… Petitioner

And

The Municipal Commissioner, Kukatpally Municipality, Ranga Reddy District.

… Respondent

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondent in constructing Sulabh Complex in the land of the petitioner, situated at Plot No.47, Balanagar Industrial Development Area, Ranga Reddy District, as arbitary and illegal.

2. In the affidavit filed in support of the Writ Petition, it is stated that petitioner-firm is engaged in the business of fabrication and

manufacture of towers. On an application submitted by the petitioner, to the A.P. Industrial Infrastructure Corporation, Plot No.47, admeasuring 4842.66 Sq. yards, at Industrial Development Area, Balanagar, was to allotted to it. It is stated that petitioner and its sister concern have been using the said land for manufacturing process and they have left a portion of the said land towards green belt on the front side. The grievance of the petitioner is that though the portion that has been left by it towards green belt is part and parcel of the plot allotted to it, respondents had taken up construction of a complex in the name of 'Sulabh Complex' without any authority of law and jurisdiction. Opposing the same, the sister concern of the petitioner is stated to have made a representation dated 10-09-1998 to the respondent; however, respondent did not stop the construction. At that stage, it had come up with this Writ Petition.

3. This court, while admitting the Writ Petition, by order dated 24-09-1998, passed in WPMP No.32070 of 1998, directed the respondents not to make any constructions in the aforesaid land of the petitioner, pending further orders. The said order has been continuing all along. Though the Writ Petition is of the year 1998, no counter affidavit has been filed by the respondents and there is no representation on their behalf.

4. Whether the respondent had taken up construction of Sulabh Complex in a part of the land allotted to the petitioner or not is a matter that cannot be gone into in this Writ Petition. Hence, no direction as sought for can be given. However, as no counter affidavit has been filed by the respondents and the interim order of this court referred above has been continuing all along, I dispose of the Writ Petition directing the respondent to consider the representation dated

10-09-1998 made by the sister concern of the petitioner-firm, pass appropriate orders, and communicate the same to the petitioner. Till such time, respondent shall not proceed with the construction of Sulabh Complex. No costs.

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JUSTICE R. SUBHASH REDDY.

March 30, 2007
MRR